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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of the Local)	CC Docket No. 96-98 /
Competition Provisions of the)	
Telecommunications Act of 1996)	

REPLY OF SBC COMMUNICATIONS INC.
TO COMMENTS IN SUPPORT OF
WORLDCom PETITION FOR WAIVER

In its opposition to WorldCom's petition, SBC demonstrated that WorldCom's request for a "waiver" of the Commission's special access conversion rules was nothing more than a tardy petition for reconsideration of the *Supplemental Order Clarification*.¹ SBC further showed that the circumstances offered by WorldCom to justify its waiver request are not unique to WorldCom, and that the Commission already has considered and rejected each of WorldCom's arguments in the special access conversion rules. Because WorldCom's waiver request therefore does not establish the extraordinary circumstances necessary for a waiver, it must be denied.

Only two commenters – AT&T and Net2000 Communications Services, Inc. (Net2000) – support WorldCom's petition.² However, rather than justifying WorldCom's waiver request,

¹ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Supplemental Order Clarification, FCC 00-183 (rel. June 2, 2000) (*Supplemental Order Clarification*).

² VoiceStream Wireless Corporation (VoiceStream) also filed comments "generally support[ing] the policy arguments articulated by WorldCom." Comments of VoiceStream at 1. However, rather than addressing the merits of WorldCom's petition, VoiceStream asks the Commission to "clarify, in light of WorldCom's petition, that the restrictions in its *Supplemental Clarification Order* do not apply to facility based CMRS carriers." *Id.* at 7. VoiceStream's request not only is improper procedurally, but also, as VoiceStream itself concedes, based on arguments VoiceStream previously has submitted to the Commission in an April 12, 2000 *ex parte*. See *id.* at 3, 6 (citing April 12, 2000 Letter of Douglas G.

these parties confirm that WorldCom's petition really is one for reconsideration of the *Supplemental Clarification Order* and that WorldCom's network and circumstances are in no way unique. AT&T, for example, repeatedly stresses that it is similarly situated to WorldCom,³ and even goes so far as to argue that "the instant petition could also be styled as a declaratory ruling that the circumstances described qualify under the general rule."⁴ It argues that "WorldCom's proposal [therefore] should be granted and apply to all similarly situated carriers."⁵ Likewise, Net2000 concedes that WorldCom's network and circumstances are no different from any other carrier, arguing that, "[i]f the Commission does act by waiver, it should make any action automatically applicable to all CLECs, as WorldCom's inability to obtain an EEL is not unique to it."⁶

However, the deadline for seeking reconsideration of the *Supplemental Clarification Order* is long past, and AT&T and Net2000 have offered no basis for granting WorldCom's

Bonner, Counsel for VoiceStream Wireless Corporation, Daniel Waggoner, Counsel for AT&T Wireless Corporation, Mary Davis, Esq., Manager-External Affairs, United States Cellular Corporation, to William E. Kennard, Chairman, and Commissioners, FCC). Because, like WorldCom, VoiceStream offers nothing new, the Commission should reject VoiceStream's tardy and procedurally improper request for clarification of the *Supplemental Clarification Order*.

³ AT&T Comments at 2, 3, 5, 6, 8, 9, 10.

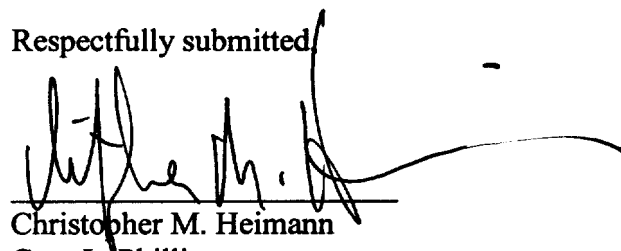
⁴ AT&T Comments at 2, note 3.

⁵ AT&T Comments at 12.

⁶ Net2000 Comments at 7. Net2000 also advances the novel claim that the Commission's restriction on commingling applies only to the connection of converted circuits to tariffed services and not to the provisioning of converted circuits over facilities that also support tariffed services. Net2000 Comments at 4. Net2000 thus maintains that no waiver is necessary to permit conversion of a DS-1 circuit multiplexed on to DS-3 transport. *Id.* at 1. However, as WorldCom and every other commenter recognizes, under the *Supplemental Clarification Order*, a requesting carrier may convert a loop-transport combination that includes multiplexing (such as DS-1s multiplexed onto a DS-3) only if each of the DS-1 circuits satisfies the conversion criteria in the order. *Supplemental Clarification Order* at para. 22. Consequently, Net2000 and other requesting carriers cannot convert a special access DS-1 circuit to UNEs if that circuit is multiplexed onto a DS-3 facility that carries other special access circuits.

waiver request. Nor have they offered any circumstances or arguments for modifying the special access conversion rules that were not already considered and rejected by the Commission. Accordingly, and for the reasons articulated in SBC's comments, the Commission should reject WorldCom's request for a waiver of the special access conversion restrictions in the *Supplemental Clarification Order*, and AT&T and Net2000's request to convert WorldCom's petition into a petition for reconsideration or clarification.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher M. Heimann", is written over a horizontal line.

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October 10, 2000

CERTIFICATE OF SERVICE

I, Anisa A. Latif, do hereby certify that a copy of the **Reply of SBC Communications Inc to Comments in Support of WorldCom Petition for Waiver** has been served on the parties attached via first class mail – postage prepaid on this 10th day of October 2000.

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